



**Jim Doyle, Governor**  
**Mary P. Burke, Secretary**

## Wisconsin Department of Commerce Bureau of PECFA

### Bid Document

#### SECTION 1 - Scope of Work:

The Bureau of PECFA is seeking competitive bids to perform remedial action services on a petroleum release from a regulated petroleum product storage tank system. This bid is through closure. The site upon which bids are being solicited is:

**Bid Round Number:** 41  
**Comm Number:** 53590-2223-20-A  
**BRRTS Number:** 03-13-184331  
**Site Name:** Dean's Liquor  
**Site Address:** 120 E Main St Sun Prairie WI

**Project Manager:** Randy Maass  
**Project Manager address:** 3911 Fish Hatchery Rd Fitchburg WI 53711  
**Project Manager phone:** 608-275-3224  
**Project Manager e-mail address** [randall.maass@dnr.state.wi.us](mailto:randall.maass@dnr.state.wi.us)

<b>Bid Announcement Date</b>	<b>1/9/2006</b>
<b>Questions or requests for information must be submitted in writing and received by:</b>	<b>1/23/2006 4:00 PM</b>
<b>Responses to the questions will be posted (and if requested, sent in writing) by:</b>	<b>2/10/2006</b>
<b>Bid End Date and Time:</b>	<b>2/24/2006 by Noon</b>

The case file including report(s) and other pertinent information upon which bids are being sought, and the qualified bid response, when determined, are available for inspection at:

**Department of Natural Resources, 3911 Fish Hatchery Rd, Fitchburg WI**

Please contact the project manager listed above for an appointment.

Copies of report(s) and other pertinent information may be available for purchase at the location listed below. If pertinent information is not available, please contact the project manager.

**Action Legal-Madison, 1 E Main St, Madison WI 53703**

**Phone: 608-663-1041**

**Fax: 608-663-1045**

## SECTION 2 – Site-Specific Bid Specification Requirements:

### A) Project Manager Comments

#### 1) General Comments:

The site was formerly a gasoline station and is currently a liquor store. In 1981, one 1,000 gallon unleaded gasoline, two 500 gallon unleaded gasoline, and two 250 gallon kerosene underground storage tanks were removed. Petroleum contamination was discovered in soil borings in 1998. Six monitoring wells and two piezometers were installed between December 1999 and September 2002.

The site is underlain by fill, silty sand, sand, and sandstone. Depth to sandstone ranges from 18 to 23 feet. Depth to groundwater is 11 to 13 feet onsite and drops abruptly to 20 to 22 feet off site. Groundwater flow direction is to the southeast and has a downward vertical gradient of 0.24 to 0.29. A municipal well is located 700 feet upgradient.

Soil contamination exceeds NR 746 Table 1 values (indicators of residual petroleum product in soil pores) at GP-2 at 9.5-10.5 feet below ground surface (bgs), at SB-4 at 7-11 feet bgs, and at MW-6 at 9-11 feet bgs.

At MW-3, which was installed in December 1999, free product was present from March of 2002 to March of 2004, at thicknesses of up to 6 inches. Approximately 1 gallon of free product has been recovered from MW-3 using bailing and absorbent socks.

Groundwater concentrations are increasing for ethylbenzene, xylenes, and trimethylbenzene (TMB) at onsite MW-3 and for TMB at off site MW-5.

2) The following Environmental Factor(s) were identified in the Site Investigation Report for this site:

- ☐ Documented expansion of the plume margin.
- ☐ Verified contaminant concentrations in a private or public potable well that exceeds the preventive action limit established under ch. 160, Stats..
- ☒ Contamination within bedrock or within 1 meter of bedrock.
- ☒ Petroleum product that is not in the dissolved phase is present with a thickness of .01 feet or more, and verified by more than one sampling event.
- ☐ Documented contamination discharges to a surface water or wetland.

#### 3) Minimum Remedial Requirements:

Soil: Excavate highly contaminated soil in an area that includes, but is not limited to, GP-2, SB-4, and MW-6. The excavation shall be a minimum of 45 feet long approximately parallel to a line from GP-2 to MW-6, a minimum of 15 feet wide, and a minimum of 12 feet deep. The total excavation shall be a minimum of 300 cubic yards. This does not take into account proper slopes needed to maintain stability of the excavation and to reach the minimum depth of 12 feet bgs in this clay/sand/gravel mix.

The boring logs for GP-2, SB-4, and MW-6 suggest that clean soil is present from the surface to approximately 7-9 feet bgs in the area of the excavation and

contaminated soil is present from these depths to the base of the excavation at 12 feet. Note that because the data are limited, and the locations of the former USTs, piping, and pump islands are not precisely known, contaminated soil may be present locally at depths significantly different than at these three borings. For the purpose of the bid assume that contaminated soil is present from 8-12 feet bgs, resulting in a minimum of 100 cubic yards of contaminated soil that must be excavated and disposed of off-site. Note that a sand-filled concrete bunker that formerly held the underground storage tanks at the site may be encountered during excavation (the location of the bunker is uncertain). The use of field screening or other appropriate technology is required in order to segregate clean excavated soil from contaminated soil for disposal.

The excavated contaminated soil must be managed in accordance with applicable solid waste regulations. Any clean soil that is excavated can be used as part of the backfill of the excavation. An appropriate number of soil confirmation samples shall be collected from the base and sidewalls of the excavation and analyzed for petroleum volatile organic compounds (PVOCs).

Please notify the Department of Natural Resources and the Department of Commerce of the excavation date at least one week prior to commencement of the excavation.

To be compliant, the bid response shall include a drawing of the area of the excavation, the volume of soil to be excavated and disposed of off site, and the cost per cubic yard of soil.

Abandonment of monitoring wells prior to excavation: The excavation will result in the destruction of MW-3, MW-3A, and MW-6; these wells must be properly abandoned prior to excavation.

Replacement monitoring well: Subsequent to the excavation, a replacement for monitoring well MW-3 (MW-3R) shall be installed.

Replacement of asphalt: Asphalt and sub-grade replacement will be a new PECFA-eligible activity per Comm 47. Therefore, this bid project will include costs to repair the asphalt and sub-grade after the remedial excavation to pre-excavation conditions as closely as possible. Following excavation activities replace the asphalt removed with an equivalent asphalt cover. For the purposes of the bid, bidders shall assume replacing an area of 675 square feet. On page three of the bid response, bidders shall provide contingency unit rates (commodity costs only) in the event more or less asphalt is replaced. If a future change order is needed to modify the cost cap, Commerce may use the bid unit rates for the modifications, but may also request copies of actual commodity invoices to confirm the exceedance amounts.

Groundwater: Groundwater shall be analyzed for PVOCs plus naphthalene at MW-3R and MW-5 during four quarterly (one year) sampling rounds. Groundwater sampling shall begin a minimum of 60 days and a maximum of 120 days after the excavation. Sampling shall include the collection of groundwater elevation at MW-3R and MW-5. If free product is present at MW-3R or MW-5, it shall be recovered on a quarterly schedule using absorbent socks or a similar method.

Reporting: Within 60 days of the excavation, provide a brief summary of the excavation activities, including but not limited to, (1) a site map that includes the

location of the excavation, the location of confirmation samples, and the location of MW-3R, (2) information on the size and depth of excavation, and (3) a table of soil confirmation sample analytical results that includes sample depths. Within 60 days of receipt of the results of the second quarterly round of groundwater monitoring provide a brief summary of site activities and, at a minimum, a table of groundwater analytical results and groundwater elevations. Within 60 days of receipt of the results of the final groundwater sampling round provide a brief summary of the site activities and, at a minimum, a site map, and a compilation table of groundwater analytical results and groundwater elevations.

The consultant who contracts with the responsible party to conduct the activities described in this scope of work must begin the work within 60 days of signing the contract with the responsible party.

Please note that claim preparation costs will not be a part of the cost cap established by this bid. These costs (\$500 maximum per claim submittal) are still eligible for PECFA reimbursement and Commerce encourages timely claim submittals at appropriate milestones. Therefore, bidding consultants should not include claim preparation costs in their bid responses. Please submit a claim upon completion of the closure activities in this bid, but exclude the \$500 claim submittal cost from the bid estimate.

Bidders shall provide line item costs for the activities listed above in the table provided on the 3rd Page of the Bid Response. If a completed 3rd page is not included with the Bid Response, the Bid Response will be determined to be non-responsive. The winning bidder will not be allowed to move costs between the scope of work items without prior Commerce approval.

## **B) Bidder's Strategy for Remedial Action**

- 1) Identify the remedial strategy for closure.
- 2) Specifically describe what element of your proposed strategy will address the environmental factors/risk factors listed above. Also describe how, when, and why it will address them.
- 3) Provide a detailed description of the work to be performed. The description shall provide sufficient detail to establish that the proposed strategy will be successful in achieving closure identified above.
  - a) The detailed description may include, but is not limited to the following:
    - Technologies
    - Estimated years of operation
    - Estimated tons of soil
    - Approximate geometry/depth of excavation
    - Reporting details
    - Estimated years of monitoring
    - Frequency of sampling/number of wells/parameters
- 4) Specifically describe how you will address off-site contamination, if applicable.

- 5) Specifically describe how you will address any direct contact hazards, if applicable.

### **SECTION 3 - Conditions of Bid:**

The successful bidder will be the entity that complies with all provisions of the bid specification and provides the lowest total cost, excluding interest and claim preparation costs, for the site-specific bid specification requirements described in Section 2. PECFA funding under s. 101.143, Stats., will terminate when the responsible agency determines that institutional controls and notices, if utilized, would achieve a closed remedial status. PECFA funding will terminate regardless of whether the responsible party or other properties accept an institutional control and notices as required under §NR 726 Wis. Admin. Code. In preparing the bid, the bidder must assume compliance with all applicable codes, including but not limited to §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The successful bidder will be determined based upon conformance to and competitiveness under the bid protocol. The first determination will be whether the bidder has complied with all provisions of the bid. These bids will be considered responsive. From the responsive bids, the lowest total cost bid with an approvable approach to closure will be determined. Claim preparation costs will not be a part of the cost cap established by this bid. These costs (\$500 maximum per claim submittal) are still eligible for PECFA reimbursement and Commerce encourages timely claim submittals at appropriate milestones. Therefore, bidding consultants should not include claim preparation costs in their bid responses.

The successful bid will be available to be viewed at the location identified in Section 1. If two or more bidders tie in the cost comparison, the bid with the lowest consulting cost will be used as the tiebreaker. All bid documents must be signed and sealed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin Department of Regulation and Licensing.

The Department reserves the right to reject any and all bids that meet any of the following conditions:

- The Department believes the remedial strategy is not appropriate to a specific geologic setting.
- From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the Department with jurisdiction (Natural Resources or Commerce).

The name of the successful bidder, bid amount, proposed outcome and supporting documentation will be provided to the site claimant along with instructions to inform the PECFA program in writing of their intent to either:

- Use the lowest identified bidder or
- Use another service provider.

In either case, PECFA reimbursement is capped at the dollar amount of the successful bid.

A successful bid does not mean or guarantee that all costs in a resultant claim are eligible, reasonable, necessary or reimbursable under the PECFA program.

If a bidder fails to comply with a bid provision the bid response will be determined to be non-responsive. If the bid response is responsive, but not the lowest cost service provider with an appropriate approach, it will be determined to be “non-successful.” Non-responsive and non-successful bidders will not be individually informed of their failure to achieve compliance with the bid specifications or to be the lowest bidder.

The successful bidder may be required to provide input to, and attend a meeting with the PECFA program and the claimant to explain the bid and the remedial approach.

Appeals, by bidders, of decisions regarding complying bids or costs are not allowed, as they do not constitute claimant reimbursement decisions under the PECFA program.

In compliance with this invitation to bid and subject to all conditions thereof, the signatory agrees to the following:

- If the signatory's bid is determined to be successful, the signatory must, within 15 days of the Department's notification, contact the claimant and confirm that they will provide the remedial services at the cost described within the Bid Response.
- That for a period of 90 days, starting with the Department's notification to the claimant, the signatory will hold firm their commitment to provide the remedial services and prices set forth in the Bid Response.

Failure to abide with the conditions stated above may result in exclusion from future PECFA Public Bidding events.

Questions, answers and interpretations will be considered an amendment of this solicitation. All answers and interpretations shall be in writing from the Program Manager identified in Section 1 of this solicitation. Neither the program nor the Department shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid Ending Date. After the date by which questions must be submitted by, identified in Section 1, no further questions will be addressed.

A written response will be provided at: <http://www.commerce.state.wi.us/ER/ER-PECFA-SiteBidding.html> (and mailed to all requesters of the bid package who are not able to access the web site, and who therefore request written correspondence from the program contact).

#### **SECTION 4 - Closure Specifications – If Applicable:**

A bid submitted must provide the total cost, excluding interest but including all closure costs, for the remediation up to approval as a closed remedial action status identified below:

**Unrestricted Closure**  
**Closure with a NR 140 exemption**  
**Closure with GIS Registry\***  
**Closure with deed notice\***  
**Closure with deed restriction\***  
**Closure with NR 720.19 soil standards**

**Performance based NR 720.19 closure**  
**Closure with site-specific conditions**  
**Closure under NR 726.07**  
**Closure under Comm 46/NR 746**  
**Mass reduction**

\* **Note:** *PECFA funding under s. 101.143, Stats., will terminate when the responsible agency determines that institutional controls and notices, if utilized, would achieve a closed remedial status. PECFA funding will terminate regardless of whether the responsible party or other properties accept an institutional controls and notices as required under NR 726. PECFA eligible costs may include all closure costs, up to approval as a closed remedial action (i.e. monitoring well abandonment) that are otherwise eligible for reimbursement.*

If the PECFA maximum award for the site/occurrence is not believed to be adequate to remediate the site/occurrence to a closed or no further remedial action status, that belief must be specifically noted in the bid and the remedial effort that will be achieved by the bid amount. For the purpose of the competitive bid the contaminant mass is determined to be: **Not Applicable**. The basis for specifying the progress shall be contaminant mass reduction and be based upon the mass reduction at the following points on the site:

Not Applicable

If the site is reasonably expected to exceed its cap under the PECFA program, bidders may propose mass reduction, the lowest bidder will be determined on the basis of a cost per mass reduction ratio. If some bidders propose mass reduction and others propose costs to bring the site to a closed remedial action or no further action status, selection will be from those bidders proposing a closed or no further action result.

## **SECTION 5 - Instructions to Bidders:**

By submission of a bid, bidder agrees that during the period following issuance of this solicitation and prior to notification of successful bidder, bidders shall not discuss the bid or bid process except with the program contact designated in this solicitation. Bidders shall not discuss or attempt to negotiate with the claimant, other potential bidders or program staff any aspects of the bid without prior approval of the Project Manager specified. Infractions will result in rejection of the violator's bid and may also result in disqualification of the individual to provide bids and a formal complaint being lodged with the Department of Regulation and Licensing.

The bid submitted shall address all the site specific bid specification requirements identified in Section 2. The bid shall support in detail the strategy to achieve closure, or remedial mass reduction goal if applicable. A full remedial action plan is not required as part of the bid submittal. A full remedial action plan may be requested by the program.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Project Manager. If the Project Manager is not able to arrange site access, this fact will not delay the bid process or negate the comparison and potential selection from among the bids that are submitted. All costs associated with a site visit or preparation of a bid will be the responsibility of the bidder.

The Bid Process must conform to the following:

1. If applicable, the closed remedial or no further action status to be achieved must be stated using the options available from the list provided in Section 4.
2. Indicate in the Bid Response a contaminant mass reduction proposal if the PECFA maximum award is not believed to be adequate to remediate the site/occurrence.
3. The Bid Response shall address all the site specific bid specification requirements identified in Section 2 and shall support in sufficient detail and succinctly the remedial strategy.
4. The total cost (in dollars) to accomplish the stated remedial goal, including all fees, reporting cost, pre and post closure costs and costs for establishing restrictions or institutional controls but, excluding claim preparation costs, interest, and investigation costs.
5. The costs specified in #4 shall separately identify consulting (non-commodity) costs.
6. The submittal must include an original and two (2) copies of the Bid Response documents signed and sealed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. Include the appropriate registration number of the professional license.
7. Bids can not be "faxed" directly to the program. Documents received by fax will not be accepted or considered.
8. Bids, amendments thereto or withdrawal requests must be received by the time advertised for bid opening. It is the bidder's sole responsibility to insure that these documents are received by the contact at the time indicated in this solicitation document.
9. All specifications or descriptive papers provided with the bid submission must include the bidder's telephone number and Commerce number thereon. Identify the name of the consulting firm on the 1<sup>st</sup> Page of the Bid Response.
10. The Commerce Number must be on the outside of the envelope in which the bid is submitted. The Department assumes no responsibility for unmarked or improperly marked envelopes. All envelopes received showing a bid number will be placed directly under locked security until the date and time of opening. Include only one Bid Response (an original and two (2) copies) per envelope.
11. Correction of errors on the bid form: All prices and notations shall be printed in ink, typewritten or computer printed. Errors shall be crossed out, corrections entered and initialed by the person signing the bid. Erasures or use of correction fluid will be cause for rejection. No bid shall be altered or amended after the time specified for the bid end date.
12. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid Ending Date.
13. Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the Department with jurisdiction (Natural Resources or Commerce).



14. From the standpoint of program operations or regulatory responsibility, the Department determines it is in the best interest of the program to not accept any or all bids.
15. If bidders consider the bid response to be proprietary information and exempt from disclosure, each part of the Bid Response must clearly marked *CONFIDENTIAL*. If any part is designated as confidential, there must be attached to that part an explanation of how the information is proprietary. The Department reserves the right to determine whether this information should be exempt from disclosure and no legal action may be brought against the State, Department or its agents for its determination in this regard.
16. The Bid Response must be appropriate to the site geologic setting.
17. Ambiguous bids, which are uncertain as to cost, time or compliance with this solicitation, will be rejected.
18. The Department reserves the right to reject any and all bids, and/or to cancel this solicitation at any time.
19. Each bidder shall fully acquaint itself with conditions relating to the scope and restrictions attending the execution of the work under the conditions of this solicitation. The failure or omission of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
20. All amendments to and interpretations of this solicitation shall be in writing from the Project Manager. Neither the Department nor the program shall be legally bound by any amendment or interpretation that is not in writing.
21. This solicitation is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this solicitation to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The solicitation may or may not be changed but a review of such notification will be made prior to award.

**BID RESPONSE**  
**(1<sup>st</sup> Page)**

Department of Commerce PECFA Program

**SITE NAME:** Dean's Liquor  
**COMMERCE NUMBER:** 53590-2223-20  
**BRRTS NUMBER:** 03-13-184331

Submit Bid To: Cathy Voges  
Department of Commerce PECFA Program  
201 W Washington Ave, Madison WI 53703-2790 or  
P.O. Box 8044, Madison WI 53708-8044

Bidder Company: \_\_\_\_\_  
Bidder Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: ( ) - \_\_\_\_\_  
Fax Number: ( ) - \_\_\_\_\_  
e-mail Address: \_\_\_\_\_

Bidder: (check one that applies):

_____ Professional Engineer	_____ License #
_____ Professional Geologist	_____ License #
_____ Hydrologist	_____ License #
_____ Soil Scientist	_____ License #

Seal

Signature: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Total Bid Cost \$ \_\_\_\_\_

Total Consulting Cost (subpart of Total Bid) \$ \_\_\_\_\_

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

**BID RESPONSE**

**(2<sup>nd</sup> Page)**

Department of Commerce PECFA Program

<b>SITE NAME:</b>	<b>Dean's Liquor</b>
<b>COMMERCE NUMBER:</b>	<b>53590-2223-20</b>
<b>BRRTS NUMBER:</b>	<b>03-13-184331</b>

Consulting Firm phone number (    ) \_\_\_\_-\_\_\_\_

This response must address all of the site-specific specifications identified in Section 2, and shall support in detail the remedial strategy. Attach additional pages if necessary. *The Commerce Number and Consulting Firm telephone number must be included on all additional pages.* The pages of each Bid Response must be ***stapled*** together. No paper clips or spiral bindings please.

**BID RESPONSE**  
**(3<sup>rd</sup> Page)**

Department of Commerce PECFA Program

**SITE NAME:** Dean's Liquor Store  
**COMMERCE NUMBER:** 53590-2223-20  
**BRRTS NUMBER:** 03-13-184331

Consulting Firm phone number ( ) \_\_\_\_-\_\_\_\_

A bid will be considered to be non-responsive if the bid response does not include separate tabulation of costs as indicated below.

All soil excavation, disposal, and related activities for 300 cubic yards of soil. Remove/dispose of 100 cubic yards of contaminated soil. Remove/segregate overburden and/or former backfill material, collect sidewall/bottom soil samples for PVOC analysis, backfill (with compaction). Includes per diem and mileage. Assume 1.5 tons/cubic yard for cost estimate purposes including well replacement, construction report preparation. \$

Installation of monitoring well MW-3R (includes all waste disposal), plus well abandonment activities (including abandonment forms) for MW-3, MW-3A, and MW-6. \$

One year of quarterly groundwater monitoring (4 rounds), water level measurement, reporting (includes all waste disposal). Includes per diem and mileage. \$

Asphalt replacement activities for 675 square feet (includes per diem and mileage). \$

Free product characterization, removal, and disposal costs on a quarterly basis. Unit cost (\$/gallon). \$

All closure-related costs (including, but not limited to GIS Registry documents, brief closure report with updated tables showing data, and well abandonment costs). Do not include abandonment costs for City of Sun Prairie wells MW-2 and MW-2A along King Street (nested with Dean's Liquor Store MW-2B); these two wells must be preserved. \$

**Total Bid Amount (sum) → also include on Page 1 of bid response** \$

Contingency unit rate (\$/square foot) (commodity costs only) in the event more or less asphalt is replaced. \$

Contingency unit rate (\$/ton) for commodity costs to remove and dispose of additional contaminated soil. \$

Contingency unit rate (\$/ton) for commodity costs to remove, segregate, and replace overburden and/or former backfill material. \$

Contingency free product characterization, removal, and disposal costs on a per gallon free product basis unit cost. (\$/gallon) \$

Contingency unit rate (lump sum) for one round of groundwater monitoring, includes sampling at all monitoring wells specified in table, and includes per diem and mileage. \$